

REMARKS

Claims 3, and 5-8 are pending in the present application.

The specification has been amended to correct a few minor typographical errors in the reference numerals, and to add a reference claiming the priority of the relevant provisional application.

The claims have been amended to more particularly point out and distinctly claim applicants' invention to put the claims in better form for appeal. New claim 8 includes the subject matter of claims 1, 2 and 4. New independent claim 8 is fully supported by the application as filed and incorporates no new matter. Dependent claims 3 and 5 have been amended to depend from independent claim 8. Claims 1, 2, and 4 have been canceled without prejudice to their presentation in a continuing application.

The specification stands objected to based on a number of minor informalities. Each of the informalities has been addressed by amendment, and reconsideration and withdrawal of the objection to the specification are respectfully requested for this reason.

The drawings stand objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because the reference character "220" had been used to designate both snap legs and frame. A proposed drawing correction is enclosed herewith for the Examiner's review and approval. Reconsideration and withdrawal of the drawing objection are respectfully requested.

The drawings stand objected to as failing to comply with 37 C.F.R. 1.84(p)(5) because they do not include the following reference numerals mentioned in the description: 30 on page 4, line 35; "200" on page 5, line 22, "216" on page 5, line 25, "110" on page 7, line 5 and "149" on page 8, line 17.

Proposed drawing corrections are enclosed herewith for the Examiner's review and approval. The suggested addition of reference numerals is provided in red on the drawing

sheets (Sheets 1/8, 5/8, 6/8 and 7/8). Reconsideration and withdrawal of these further drawing objections are respectfully requested for this reason.

Claims 1-7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,201,557 ("Schlack"). This rejection is respectfully traversed and reconsideration and withdrawal are respectfully requested.

The Examiner states that Schlack discloses a latch comprising a housing 16, a lever handle 50 rotatable between a first and a second position, a pawl 94 mounted for linear motion and actuated by a lever handle, a carriage 80 mounted for linear motion with the pawl, and connection means rotatably connecting the lever handle and the pawl (referencing Figs. 3-6).

Applicants respectfully submit that Schlack does not disclose a latch having each and every limitation claimed in claims 1-7, and that Schlack cannot and does not anticipate applicants' invention as here claimed for that reason. In particular, the pawl in Schlack is not mounted to travel between the open position along a first path and an intermediate position, and to travel in a second path in a direction substantially linear to the first path between the intermediate position and the closed position. (The Examiner expressly acknowledges this fact in the second rejection entered in this Action.) Instead, as can be seen in Figs. 3-6, Schlack's pawl travels in a single linear path only, and does not change direction at some intermediate position. Consequently, applicants respectfully request reconsideration and withdrawal of the rejection entered over Schlack with respect to the amended claims.

Applicant's presently claimed invention is also unobvious over Schlack. There was nothing in Schlack to suggest applicant's presently claimed invention at the time the invention was made to one of ordinary skill in the art. There is nothing in Schlack to motivate one of ordinary skill in the art to modify Schlack to realize the presently claimed invention.

Claims 2-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Schlack in view of U.S. Patent 4,858,970 ("Tedesco"). This rejection is also respectfully traversed, and

reconsideration and withdrawal of the rejection are respectfully requested as applicable to the amended claims.

The Examiner notes that Schlack does not disclose a pawl mounted to travel between an open position along a first path and an intermediate position where the first path is linear and where the pawl is mounted to travel in a second path in a direction perpendicular to the first path between an intermediate position and a closed position.

The Examiner states that Tedesco teach a pawl 28 mounted to travel between an open position along a first path and an intermediate position where the first path is linear (referencing Fig. 7) and where the pawl is mounted to travel in a second path in the direction perpendicular to the first path between an intermediate position and a closed position where the second path is linear (referencing Fig. 8).

The Examiner concludes that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the latch of Schlack, with first and second pawl paths perpendicular to one another for pawl movement between open, intermediate, and closed positions as taught by Tedesco, in order to make the latch more secure by closing tighter.

The Examiner's conclusion is not correct. The cited art simply cannot be combined physically as suggested by the Examiner. If such a combination could be made, it would defeat the purposes and destroy the utility of Schlack's latching mechanism. The suggested combination is no more than an attempted reconstruction of applicants' invention improperly guided by the hindsight of applicants' own disclosure.

First, it should be noted that Schlack's slide fastener is not susceptible to the modification suggested by the Examiner for the purpose stated by the Examiner. What the Examiner has identified as a "pawl" 96 in Schlack is actually but one of a plurality of rotatable sleeves 96 mounted spaced rods 94 extending between the sides 84 of the slide assembly 80

(Col. 4, line 65 – col. 5, line 15; Figs. 3, 5, and 7). Each of the rotatable sleeves 96 is mounted for contacting a respective “s”-shaped slide keeper 98, having a first leg 97 thereof bolted to the frame 120 of the cabinet 100. The second legs 99 of the slide keeper 98 have camming surfaces formed thereon, such that as the slide fastener 10 is closed, the sleeves 96 of the second rods 94 are forced under the second legs 99, thereby compressing the gasket between the door and the frame. Thus, there are a plurality of camming surfaces for forcing each of the rotatable sleeves downward (at least as shown in Fig. 3) to compress the gasket. It is common sense that the gasket must be compressed at multiple points in order to secure the door. If there were only one compression point, the gasket would likely be ineffective at some point remote from the compression point.

Tedesco discloses a mechanically complex latch intended for securing aircraft engine cowlings. There are five arms and four links connected by a dozen pivot points. What the Examiner has identified as a “pawl” is actually a hook 28 for engaging a rod-shaped keeper 12. In the complex motion imparted by operation of the latch, in order for the hook 28 to engage the keeper 12, it must first travel upward (counterclockwise in Fig. 8) in an arc around the mounting bushing 14 and then inward, from the position shown in Fig. 7 to the position shown in Fig. 8, while moving in the plane defined by the generally cylindrical mounting bushing 14 and the generally cylindrical keeper 12. Thus, the action of this latch is to pull mounting bushing and the keeper together.

One of ordinary skill in the art would recognize that Tedesco's latch would be useless for the Schlack's purpose.

Schlack needs to achieve compression in a direction perpendicular to that in which Tedesco's device is effective. Schlack's actuating lever 50 engages a first rod 92 and rotates around a closely proximate pin 62, the first rod 92, pin 62 and second rods 94 all being generally parallel to each other. However, the compression is not exerted between the second

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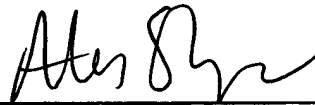
rods 94 and the first rod 92 or the second rods 94 and the pivot pin 62, but rather perpendicular to the linear motion of the slide, and at multiple points. Tedesco's device simply cannot be mounted to achieve this result.

The combination suggested by the Examiner is either physically impossible, or would render Schlack's slide fastener ineffective for its purpose. The combination of Schlack and Tedesco does not establish a *prima facie* case of obviousness.

Reconsideration and withdrawal of the rejection entered under 35 U.S.C. 103(a) over Schlack in view of Tedesco are respectfully requested for these reasons.

As the application is now believed to be in condition for allowance, early favorable action and an early notice of allowance are respectfully requested.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION:

The following paragraph has been inserted at page 1, line 5:

- -Cross-Reference to Related Application.

This application claims the benefit of U.S. Provisional Patent Application 60/228,726, filed August 27, 2000. - -

The paragraph beginning at page 4, line 31, has been amended as follows:

- - 47. The housing 20 is for mounting on the outside of a door or panel 210 of a cabinet or enclosure (not shown) having a frame [220] 221 (Figure 24). As illustrated in Figures 1-6, the housing 20 includes a front wall 21, a pair of opposing side walls 22, a rear wall 23, a substantially open top wall 24, a substantially open bottom 25, and a central elongated cavity or well 30 in which much of the latch mechanism is housed as described below. The underside of the top wall 24 forms a shoulder or flange 214 which extends about the periphery of the housing 20. Each side wall 22 has a pair of snap legs 220 formed therein. The rear wall 23 has a central vertical slot 26 for receiving the pawl 140. As can be seen in Fig. , the front wall 21 and side walls [23] 22 are cut away at one end of the housing 20, and they collectively define a cutout 27 in which the lockplug 50 and lockpawl 70 can be easily accessed. The housing 20 also includes a first opening 28 formed in the housing 20 proximate the front end of the housing 20, a first countersink 38 located inwardly about the first opening 28, a second opening 29 formed in the housing 20 rearward of the first opening 28, a second countersink 40 located inwardly about the second opening 29, a separation extension 31, a first chamber 32 formed therein, and a second chamber 34 formed therein. The separation extension 31 extends between the sides 36 of the top wall 24 and separates

the first and second openings 28, 29. The first chamber 32 (as illustrated in Figure 1) is adapted to receive the lockplug 50. The first countersink 38 is adapted to removably retain the lockplug 50. The second chamber 34 (as illustrated in Figure 1) is adapted to receive the button 60. The second countersink 40 is adapted to removably retain the button 60. - -

The paragraph beginning at page 6, line 25, has been amended as follows:

- -52. As illustrated in Figure 1, the lockplate 80 has a generally rectangular shape, a front end 81, a rear end 82, a pair of sides 83, a pair of fingers 84 extending generally perpendicularly outwardly from the plane defined by the sides 83, and a generally central aperture 85 [84]. The front end 81 also extends generally perpendicularly outwardly from the plane defined by the sides 83 such that the side edges of the front end 81 and fingers 84 are preferably in general alignment to one another. The distance between the front and rear ends 81, 82 of the lockplate 80 is greater than the distance between the sides 83 of the lockplate 80. - -

The paragraph beginning at page 9, line 6, has been amended as follows:

- -60. When the latch 10 is assembled, the lockplug 50 is removably positioned within the first chamber 32 of the housing 20 and removably retained by the first countersink 38 of the housing 20. The lockpawl 70 is removably secured to the bottom end 56 of the lockplug 50 such that the front end 73 of the lockpawl [73] 70 is most forward relative to the front end of the housing 20. The lockplate 80 is removably positioned within the second chamber 34 of the housing 20 such that the front end 81 of the lockplate 80 is most forward relative to the front end of the housing 20. The button 60 is removably secured to the lockplate 80, with the legs 66 of the button 60 securing themselves between the fingers 84 of the sides 83 and the front end 81 of the lockplate 80 where the flanges 69 are positioned beneath the underside of the lockplate 80, as

the button 60 is removably positioned within the second chamber 34 of the housing 20 such that the front end 62 of the button 60 is most forward relative to the front end of the housing 20. The handle 100, pawl 140, and carriage 130 are removably secured to one another by the pins 150, 160, 170 such that the rear end extension 145 of the pawl 140 extends through the vertical slot 138 of the rear wall 133 of the carriage 130, and, when the handle 100 is in the closed position relative to the pawl 140 and carriage 130, the pivot attachment pin 170 is positioned within the clearance cut of the pawl 140. The carriage assembly is removably positioned within the central cavity 30 of the housing 20 such that the front wall 131 of the carriage 130 is most forward relative to the front end of the housing 20. The carriage assembly is snapped into place within the housing 20 by the snap legs 220 of the side walls 22 of the housing 20 catching the cutout 230 of the underside of the carriage 130. The carriage assembly is thus held in place in the housing 20. The cover 90 may be attached to the handle 100 to enclose the central cavity 30 of the housing 20 and conceal the latch mechanism. When the cover 90 encloses the central cavity 30, the cover 90 is generally flush with the top wall 24 of the housing 20. - -

IN THE CLAIMS:

Claims 1, 2 and 4 have been cancelled.

New claim 8 has been added as follows:

- -8. A linear compression latch comprising:
 - a housing;
 - a lever handle rotatable by an operator between a first position and a second position, the lever handle being mounted in the housing;

a pawl mounted for substantially linear motion, the pawl being actuated by rotation of the lever handle and traveling substantially linearly between an open position to a closed position as the lever handle is rotated between the first position to second position;

wherein the pawl is mounted to travel between the open position along a first path and an intermediate position; and

wherein the pawl is mounted to travel in a second path in a direction substantially perpendicular to the first path between the intermediate position and the closed position. --

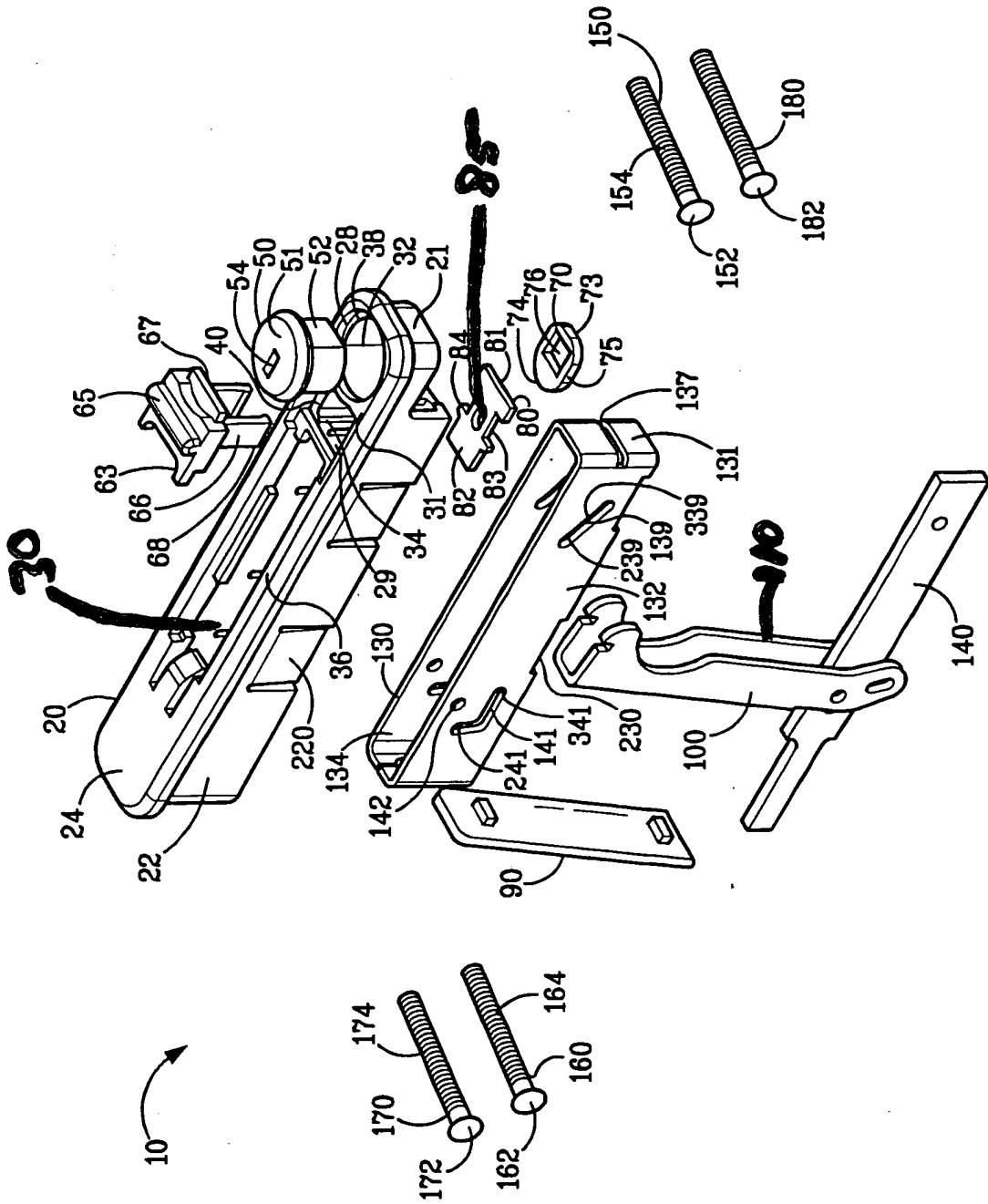
Claim 3 has been amended as follows:

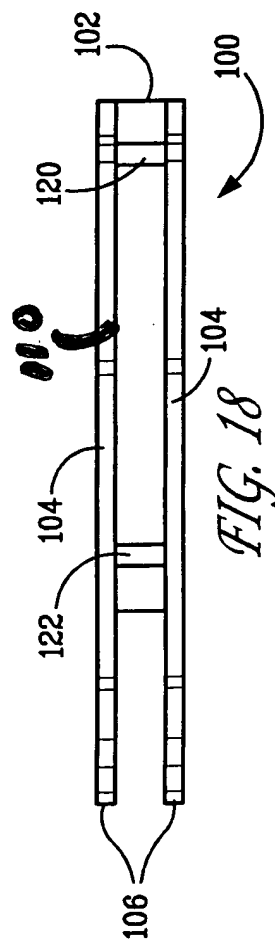
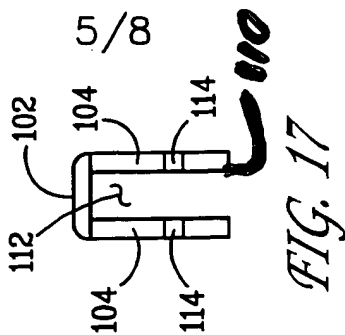
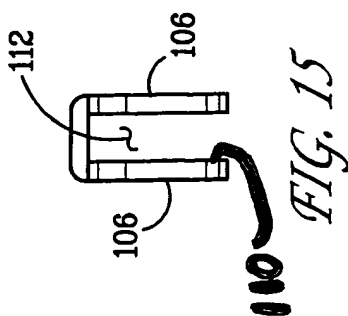
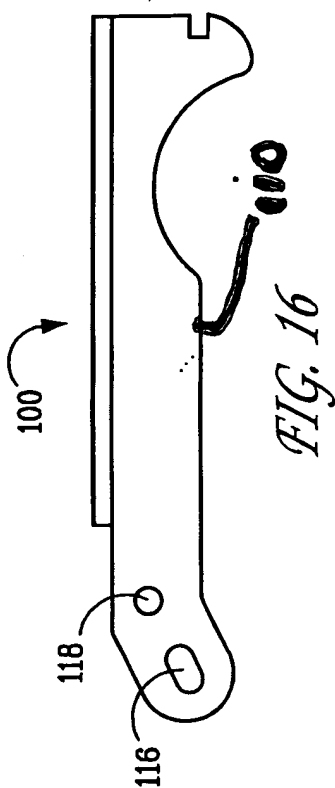
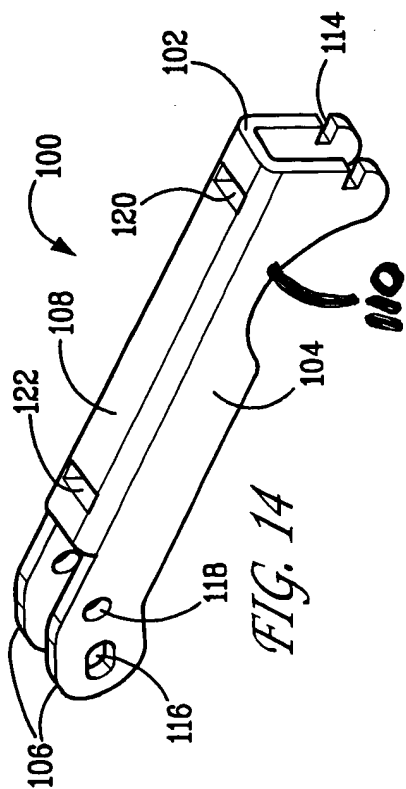
- - 3. A linear compression latch according to claim [1] 8 wherein the first path is linear. - -

Claim 5 has been amended as follows:

- - 5. A linear compression latch according to claim [4] 8 wherein the second path is linear. - -

FIG. 1





7

